

REMARKS

The non-final Office Action mailed December 15, 2008 has been reviewed and these remarks are responsive thereto. The current Office Action rejects claims 90-102, 105-115, 117 and 118.

The current Office Action rejects claims 90-102, 105-115, 117 and 118 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Particularly, the current Office Action asserts that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, has possession of the claimed invention. Continuing, the current Office Action asserts that each of the independent claims use the phrase “pre-diagnosed chronic condition,” which was not discussed in the specification. Applicants respectfully traverse the rejection of claims 90-102, 105-115, 117 and 118.

Applicants submit that the specification describes a pre-diagnosed chronic condition. Applicants acknowledge that the specification does not explicitly recite the phrase “pre-diagnosed chronic condition.” However, one skilled in the art would understand the specification to teach a system for monitoring a patient with a pre-diagnosed chronic condition. The specification is replete with references to chronic conditions. See e.g., page 2, line 6; pg. 3, line 17; pg. 3, line 19; pg. 4, line 1; pg. 18, line 9; pg. 25, line 10; and the original claims.

Furthermore, the specification includes many passages that illustrate that the chronic condition was previously-diagnosed. For example, pg. 29, lines 20-22, describe preventing rehospitalization of the patient. The fact that the patient had to be rehospitalized for the condition implies that the patient was previously hospitalized for the condition. In a second example, pg. 29, lines 17-20, describes how the invention provides advantages “including addressing the need for medical professional caregivers to monitor and manage the patient’s condition.” Management of the patient’s condition assumes that the patient’s condition is known (i.e., diagnosed). In a third example, pg. 26, lines 12-14, discuss how the invention “alerts the medical care provider who may provoke a change to the patient’s medication dosage.” The fact that the patient is

receiving medication for the condition implies that the condition was previously diagnosed because laws prevent patients from receiving medication for a condition unless the patients have been diagnosed with the condition. Given these and other examples in the specification, one skilled in the art would understand that the chronic condition discussed in the specification is a pre-diagnosed chronic condition.

For at least this reason, Applicants submit that the specification reasonably conveys to one skilled in the relevant art that the inventors, at the time the application was filed had possession of the claimed invention. Accordingly, Applicants respectfully request the withdrawal of claims 90-102, 105-115, 117 and 118 under 35 U.S.C. § 112, first paragraph.

Conclusion

Claims 90-102 and 105-115, 117 and 118 remain pending in the application. These claims are allowable for at least the reasons set forth above (other reasons may exist, and Applicants reserve the right to make additional arguments advancing these arguments in the future). Accordingly, Applicants respectfully request prompt reconsideration, allowance, and passage of the application to issue. Should the Examiner have any questions or concerns, the Examiner is urged to contact the undersigned by telephone at the number below to expeditiously resolve this matter.

Respectfully submitted,
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